

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Certificate of Notice  
Caption in Compliance with D.N.J. LBR 9004-2(c)

45654  
Morton & Craig LLC  
William E. Craig, Esquire  
110 Marter Ave., Suite 301  
Moorestown, NJ 08057  
Attorney for Ally Financial

In Re:

DEREK J. LEARY  
MICHELLE L. LEARY

Page 1 of 3



Order Filed on January 26, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey


Case No. 17-33417

Judge: (ABA)

**ORDER FOR SECURED AMOUNT TO BE PAID THROUGH DEBTORS' CHAPTER 13 PLAN AND  
ADEQUATE PROTECTION PAYMENTS**

The relief set forth on page number two (2) is hereby **ORDERED**.

**DATED: January 26, 2018**

  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

**(Page 2)**

Debtors: Derek and Michelle Leary

Case No: 17-33417

Caption of Order: Order for secured amount to be paid through Debtors' chapter 13 plan and adequate protection payments

This matter having brought before this Court on an Objection To Confirmation filed by William E. Craig, Esq., attorney for Ally Financial, with the appearance of Terry Tucker, Esq. on behalf of the Debtors, and this Order having been filed with the Court and served upon the Debtors and their attorney under the seven day rule with no objections having been received as to the form or entry of the Order and for good cause shown, it is hereby

**ORDERED:**

- 1. That Ally Financial ("Ally") is the holder of a first purchase money security interest encumbering a 2016 Hyundai Elantra bearing vehicle identification number KMHDH4AE8GU517184.**
- 2. That the secured amount that Ally shall be paid through the Debtors' plan shall be \$20,231.05. This amount is reached using the agreed value of the vehicle of \$17,652.55 (the net loan balance), amortized at 5.5% over 60 months.**
- 3. That the Chapter 13 Trustee is hereby directed to make an immediate lump sum adequate protection payment to Ally in the amount of \$300.00 through January 2018 and thereafter, each month, commencing February 2018, make monthly adequate protection payments to Ally in the amount of \$150.00. Adequate protection payments to Ally shall be made monthly up to and after confirmation, until all counsel fees have been paid and regular distributions begin to be made to Ally. If in any month there are insufficient funds on hand to pay both counsel fees and adequate protection payments, then funds on hand shall be used to pay adequate protection payments first, with the remaining balance going to counsel fees. If, after confirmation, counsel fees remain to be paid, then adequate protection payments shall continue to be paid to Ally until the remaining counsel fees have been paid. The Debtors shall receive a credit for all adequate protection payments made against the total amount to be received by Ally through the plan.**

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Derek J Leary  
Michelle L Leary  
Debtors

Case No. 17-33417-ABA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 28, 2018.  
db/jdb +Derek J Leary, Michelle L Leary, 38 Tomasello Dr, Millville, NJ 08332-9423

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 28, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 26, 2018 at the address(es) listed below:

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
John R. Morton, Jr. on behalf of Creditor Ally Capital ecfmail@mortoncraig.com,  
mortoncraigecf@gmail.com  
Karen B. Olson on behalf of Creditor HMC Assets LLC kbo@kkmllp.com, nmm@kkmllp.com  
Michael R. DuPont on behalf of Creditor Members 1st of NJ Federal Credit Union  
dupont@redbanklaw.com, dana@redbanklaw.com  
R. A. Lebron on behalf of Creditor FULTON BANK OF NEW JERSEY bankruptcy@feinsuch.com  
Rebecca Ann Solarz on behalf of Creditor VW Credit Inc. dba Audi Financial Services  
rsolarz@kmlawgroup.com  
Richard James Tracy, III on behalf of Creditor TD Auto Finance LLC rtracy@schillerknapp.com,  
tshariff@schillerknapp.com; kcollins@schillerknapp.com  
Terry Tucker on behalf of Joint Debtor Michelle L Leary terrytucker@comcast.net  
Terry Tucker on behalf of Debtor Derek J Leary terrytucker@comcast.net  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11